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Clerk of the Superior Court

JAN 27 2006

By: K SANDOVAL, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Coordination Proceeding Special Title
(Rule 1550(b)):

NATURAL GAS CASES I, II, III, and IV

J.C.C.P. Nos. 4221, 4224, 4226 and 4228

**ORDER DISMISSING CLAIMS AGAINST
DUKE ENERGY FIELD SERVICES, LP,
AND DEEMING WITHDRAWN MOTION
TO QUASH OF DUKE ENERGY
CORPORATION AND DEMURRER OF
DUKE ENERGY CORPORATION AND
DUKE ENERGY NORTH AMERICA, LLC**

This Document Relates To:

ALL PRICE INDEXING CASES

MASTER CLASS ACTION

- 00026	- 00043
- 00027	- 00044
- 00033	- 00046
- 00034	- 00047
- 00035	
- 00036	
- 00037	
- 00039	
- 00040	

1 This litigation involves coordinated class actions and several non-class actions. The
2 Master Class Action Complaint ("MCAC") asserts claims against Defendants Duke Energy
3 Corporation ("DEC"), Duke Energy Field Services, LP ("DEFS"), and Duke Energy North
4 America, LLC ("DENA"). Some of the Non-Class Complaints¹ assert claims against DEC.
5 DEC and DEFS filed a motion to quash service of the summonses served with the original class
6 action complaints, and DEC moved to quash service of the summons it received with some of
7 the Non-Class Complaints. DEC, DEFS and DENA filed a demurrer to the MCAC and to some
8 of the Non-Class Complaints.

9 With the agreement of the parties, the Court orders as follows:

- 10 1. All claims asserted in the MCAC against DEFS shall be dismissed without
11 prejudice, and DEFS shall be dismissed without prejudice as a Defendant from the MCAC;
- 12 2. DEFS will not assert any statute of limitations defense as to any claim renewed
13 against it by Class Plaintiffs that is renewed prior to the date of the close of fact discovery in
14 these coordinated actions;
- 15 3. DEFS's motion to quash and demurrer are deemed withdrawn as moot;
- 16 4. DEC's motion to quash is deemed withdrawn with prejudice, and DEC will not in
17 these coordinated actions, as to the claims presently alleged, assert lack of personal jurisdiction
18 as a defense;

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20
21 ¹ DEC has been sued in the following Non-Class Complaints: *ABAG Publicly Owned Energy*
22 *Resources v. Sempra Energy et al.*; *City of San Diego v. Sempra Energy, et al.*; *County of*
23 *Alameda v. Sempra, et al.*; *County of San Mateo v. Sempra Energy et al.*; *Nurserymen's*
24 *Exchange v. Sempra, et al.*; *Owens-Brockway Glass Container, Inc. v. Sempra Energy, et al.*;
25 *Sacramento Municipal Utility District v. Reliant Energy Services, Inc., et al.*; *School Project for*
26 *Utility Rate Reduction v. Sempra, et al.*; *TAMCO et al. v. Dynegy, Inc. et al.*; *City of Los*
27 *Angeles, a municipal corporation, acting by the Department of Water and Power v. Reliant*
28 *Energy Services, Inc. et al.*; *The Regents of the University of California v. Reliant Energy*
Services, Inc. et al.; *The Regents of Trustees of the California State University v. Dynegy, Inc. et*
al.; and *Pabco Building Products, LLC et al. v. Dynegy Inc. et al.*

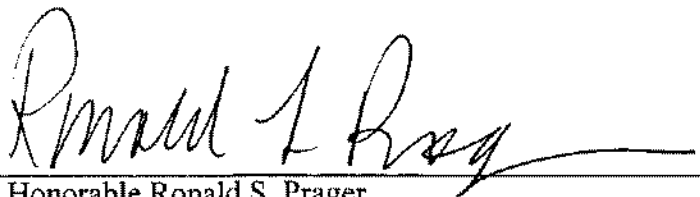
1 5. The exercise of jurisdiction over DEC in these coordinated actions shall have no
2 precedential effect, and DEC's defense of this action alone shall not be considered the conduct of
3 business in California or a concession that it is subject to the jurisdiction of the courts in
4 California;

5 6. DEC's and DENA's demurrer is deemed withdrawn without prejudice to their
6 right to assert any defense or argument on the same bases as raised therein; and

7 7. DEC's and DENA's answers to the Complaints shall be due on or before February
8 6, 2006.

9 IT IS SO ORDERED.

10 Date: January 27, 2006


The Honorable Ronald S. Prager